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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,690	08/03/2006	David Strand	005092-00073	8430
22910 7590 01/23/2009 BANNER & WITCOFF, LTD. 28 STATE STREET 28th FLOOR BOSTON, MA 02109-9601			EXAMINER KWAK, DEAN P	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 01/23/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- A. **Operative component:** a fluid reservoir; a solid reagent suitable to be dissolved during use of the assembly; holds an enzyme, catalyst or other reagent; a sensor; a light sensor across a microscale fluid flow channel within the substrate body; a flow sensor, pressure sensor, thermal or temperature sensor, pH sensor, O.sub.2 sensor, conductivity sensor, acoustic sensor, voltage sensor current sensor chemical sensor, electrochemical sensor; a sensor for detection based on conductimetric, voltametric, redox, electrochemiluminescent, atomic emission and/or calorimetry detection principles; an ultrasonic actuator or transducer across a microscale fluid flow channel within the substrate body; operative to generate fluid pressure in a microchannel of the substrate body; a valve, pressure regulator, flow regulator, external port or plug, filter, trap or absorbent; a thermal actuator or a thermoelectric module for heating or cooling; a component to degass (remove dissolved or evolved gases and/or bubbles) from fluid being treated or handled by the microfluidic assembly, as a component to excite (e.g., fluorescence),

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illuminate (absorption source) or irradiate (e.g., microwave reactions or heating) a fluid being treated or handled by the microfluidic assembly, as a component that is a miniaturized mass spectrometer, as a component that is a NMR or MRI spectroscopy detector (e.g, a flowcell and a microcoil in combination), and/or as a chromatographic, electrophoretic, isotachophoretic, isoelectric focusing, field gradient focusing or other separation column or chamber used for focusing and/or elution of molecules, particles, cells, organelles, or other species or objects; an impellent device; operative to directly contact a fluid in the microscale fluid flow channel; one of a micromachined pump, diaphragm pump, syringe pump and a volume occlusion pump; operative to induce flow in a microscale fluid flow channel by one of endosmotically and electrochemical evolution of gases; permanently mounted in a socket; permanently mounted in a socket using potting compound; removably mounted in a socket; an electronic memory component; a microprocessor; an electronic tracking device; a substrate body defining: at least one fluid input port, at least one microscale fluid flow channel, and at least one operative device.

B. **Memory component:** a read only memory component; a read/write memory component.

C. **Data channel:** in electrical communication with the data port; in optical communication with the data port; in electrical communication with at least one of the sockets; in optical communication with at least one of the sockets; bi-directional.

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Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The following claim(s) are generic: none appear to be generic.
3. A telephone call was made to MCDERMOTT, PETER on 16Jan09 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean Kwak whose telephone number is 571-270-7072. The examiner can normally be reached on M-TH, 5:30 am - 4 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

16Jan09

/Lyle A Alexander/

Primary Examiner, Art Unit 1797

/D. K./

Examiner, Art Unit 1797